

6:45 p.m.- Budget public hearing before start of council meeting

The public hearing was held with no citizen comment. Mayor Godbey adjourned the public hearing at 6:50 p.m.

Members present were Mayor Don Godbey, Council members Patricia Gettys, Gabe Hunter, Bob Cook, James Kennedy, Dale Black and Michael Reynolds. City Attorney John Duggan and City Administrator Trey Eubanks were also present.

**MINUTES
MAULDIN CITY COUNCIL
MAY 17, 2010
7:00 PM**

1. Call to order.- Mayor Godbey
 - a. Invocation- Councilman Hunter
 - b. Pledge of Allegiance- Councilman Cook
 - c. Welcome- Mayor Godbey
2. Proclamations and Presentations- Representative from CCFB; Pat Pomeroy, Mauldin Chamber; NJROTC recognition for Mauldin High School; Swearing in of police officer

Mayor Godbey reported that the Exchange Club put a Freedom Shrine like the one in the cultural center at Mauldin Middle School.

Brian Daughhetee was present from the CCFB to report on the train show and Art and Jeans art exhibit. The search for an executive director continues.

Pat Pomeroy reported that 2000 people had come in the center to see the train show. The golf tournament is Monday, May 24th at the Holly Tree Country Club.

Mayor Godbey mentioned that the Navy Junior ROTC is now at the high school.

Officer Doug Nicholls was sworn in by Angela Martin.
3. Reading and approval of minutes.- April 19, 2010

Councilman Hunter made a motion to approve the minutes with Councilman Cook seconding. The vote was unanimous (7-0).
4. Public Comment.

- a. Skip Waylett: My name is Skip and I live in Georgia, but I am the owner of the property at Holland and Bridges, you folks know it as the Ryan Nicholas Inn. I am here tonight with Kim, who runs the operation and leases the property from me. Thank you for the opportunity. Just recently, I got notice that I had been delinquent in paying my business license from the get-go. This has been 10 years. I didn't know it and I just found out about this and, of course, it has been paid with penalties. When we started this project, it became so important to the family to do something special. We knew we would have tough competition, and we wanted to differentiate ourselves from the completion. We were excited for sure, but I can tell you that Daddy was scared. It turned out to be great for the family and I hope for Mauldin.

I am here for two reasons. One is I didn't know I owed this. When I found out from Paula a few weeks ago, I paid it and the penalty. It is important that this crowd understand that this was a misunderstanding. I did not know and I am also old enough and smart enough to know that not knowing is not an excuse and not a defense. I know that. Whatever you decide will be fine. The primary objective I have got and Kim's got, is that the city see us as good corporate citizens. Regardless of what I leave my children, it is the example I set that really matters. I am worried that you think we tried to beat this. Anyway, I do owe it, I paid it, the penalty was 45% and I am going to be candid and honest, that seemed a little punitive and excessive. Do I think I should be punished? I do. I do. I apologize. Please hold us in good standing. We didn't mean it. Thank you for your time.

Kim Becherer: He is a great father. The best. Thank you.

5. Report from City Administrator

Trey reported that the MASC would have a crew here tomorrow to shoot video for the achievement award the city won. On the census, there has been a 72% national response, 73% in South Carolina, Greenville County is at 76%, and Mauldin has an 80% response through April 27th.

We had a lunch and learn on Friday with a large employee response. It is part of the health benefits that employees are provided.

6. Reports from Standing Committees

a. Fire (Chairman Black)

- i. Reports and Communications from Fire Chief- the report is on file

b. Police (Chairman Cook)

- i. Reports and Communications from Police Chief.

Chief Turner reported on Sherry's mother's illness.

- ii. Reports and Communications from Municipal Clerk of Court /

Administrative Judge- the report is on file

c. Recreation (Chairwoman Gettys)

i. Reports and Communications from Recreation Director.

Van reported that Biggest Loser 2 is just finishing. Zoomba is a new class that is taking place at the sports center. The Department staff has been busy with the train show, National Day of Prayer, and Movie in the Park setup. The first movie this year will be May 28th.

ii. Report on cultural center.

d. Planning and Economic Development (Chairman Hunter)

i. Reports and Communications from Building and Zoning Director.

Peter Nomikos reported that business license revenues are on track. We should be fairly close to projections. 72 permits were issued this past month for \$2.5 million dollars in taxable value. Plantation Greene is showing some new activity in the condos.

Councilman Hunter asked if Mr. Nomikos knew anything about the closing of Burger King on 276. Mr. Nomikos answered that business had been slow at the location due to the flow of traffic. Most growth in Mauldin is happening on Butler Road.

e. Public Works (Chairman Kennedy)

i. Reports and Communications from Public Works Director

Greg Fincher showed some pictures of drainage projects and the Mother's Day visit that took place at the PW Department.

f. Finance and Policy (Chairman Reynolds)

i. Reports and Communication from Finance Director

Holly Abercrombie reported that March 17th is the date for delinquent property taxes. Expenditures are still under and should remain under for the rest of the budget year.

7. Unfinished Business

a. Consideration and action on rezoning of 108 Bon Air Street. (PEDC)

Chairman Hunter made a motion to accept this ordinance on second and final reading. The motion was seconded by Councilman Black and the vote was unanimous (7-0).

b. Consideration and action on storm water ordinance. (PW)

Chairman Kennedy made a motion to approve the storm water ordinance. Councilman Cook seconded the motion and the vote was unanimous (7-0).

c. Consideration and action on alcohol policy (Finance).

Chairman Reynolds reminded council that the ordinance had been approved earlier. There are two options in front of council tonight- one allows alcohol in a designated area in the facility and one restricts alcohol to the inside of the cultural center and Ray Hopkins Senior Center. Chairman Reynolds made a motion to pass the policy restricting alcohol to the inside of the buildings. Councilman Cook seconded the motion. Chairman Reynolds said we do not allow businesses to have alcohol outside their premises, so the city shouldn't have alcohol outside our buildings. Councilman Hunter reminded Chairman Reynolds that there were several restaurants that allow outdoor dining with alcohol such as Guadalajara and Moretti's Pizza. Those restaurants are on private property. Councilman Cook said this is city property, not private property.

The vote carried 5-2 with Councilman Hunter and Mayor Godbey dissenting.

8. New Business

a. Consideration and action on cultural center request (Rec)

Chairwoman Gettys reported the Recreation Committee received a request to build a temporary stage at the cultural center. There are a few options and alternatives, and she made a motion to approve the building of a stage at the cultural center with a cap of \$10,000 on the project. Councilman Cook seconded the motion. Councilman Cook said this would be a slab, not a deck. The location of the slab is consistent with the master plan.

Brian Daughhetee told council that a slab is as functional as a deck would be. Railing would not be needed with a slab. A slab also reduces the cost. Councilman Black was concerned that the slab would be taken out. Brian Daughhetee said the slab would be incorporated into the amphitheatre. The slab will not have to be removed. Councilman Black asked if the parking issue had been addressed. He is afraid there is not enough parking for people who have paid for memberships at the sports center plus patrons of the cultural center. Mayor Godbey said parking would be an ongoing problem for anything at the cultural center. Councilman Reynolds asked about the procurement policy. Trey said some bids have been received and the funding would come from the cultural center contingency line in the general fund budget. The vote was unanimous (7-0).

b. Consideration and action on paving list. (PW)

Chairman Kennedy made a motion to accept the paving list with Councilman Cook seconding. The vote was unanimous (7-0).

c. Consideration and action on business license appeals. (Committee of the Whole)

1. Muzak has a facility on Old Mill Road. This is one of two facilities in South Carolina. Last year, we contacted them and advised they owed business license fees. They did finally pay after discussion between their attorney and our attorney. This year they did not send documentation of business license fees paid to other jurisdictions, so the City charged them a few based on half of their gross receipts. Chairman Hunter asked if this was consistent with how we treat other businesses of this nature and was answered yes.

John Duggan said Muzak would not furnish financial information. It was their contention that they do not operate a business in Mauldin. However, it is listed on their website. If you operate in multi-jurisdictions, we cannot charge an amount if that amount is being paid to another jurisdiction. Muzak would not give any documentation on that issue.

Chairman Hunter made a motion to deny the request for waiver of the business license penalty. Councilman Kennedy seconded the motion and the vote was unanimous (7-0).

2. American T-Shirt inadvertently sent in their business license renewal late. This is the first time they have been late and it was late by thirteen days. Chairman Hunter made a motion to deny the request for return of the business license penalty. Councilman Kennedy seconded the motion and the vote was unanimous (7-0).
3. Ryan Nicholas Inn- Mr. Waylett did pay when he was notified. He paid all fees and penalties. Chairman Hunter said this is reminiscent of last month's rental properties cases.

Chairman Hunter made a motion to return the penalty fees to Mr. Waylett with Councilwoman Gettys seconding. The vote was unanimous (7-0).

4. Keystone Commercial Group tried to contact the office on April 15th to get information on his business license. He did not receive an answer because the department was very busy. There were prior contacts through email as well. Chairman Hunter asked why he waited until the 15th. Mayor Godbey said it was stated that he filed for an income tax extension and you need your tax return as a way of verifying the gross income. Councilman Cook said that when the telephone rings, someone should be able to answer it. Councilman Reynolds asked how many years have they been sending in business license fees. Mr. Nomikos said this is the first year.

Chairman Hunter made a motion to grant the request for waiver of penalty fees with Councilman Cook seconding. The vote was unanimous (7-0).

5. RPS on Holland Road- Ms. Norr inherited the business from her late husband. Her husband was in good standing, but she was not aware that she needed a business license. She did pay promptly.

Chairman Hunter made a motion to grant the request for waiver of penalty fees with Councilwoman Gettys seconding. The vote was unanimous (7-0).

- d. Executive session regarding new fire station. (Committee of the Whole)

Councilman Black made a motion to adjourn into executive session. Councilman Hunter seconded the motion and the vote was unanimous (7-0). The executive session lasted two hours and the council meeting was reconvened. It was reported that no action was taken.

- e. Consideration and action on FY 2011 budget. (Committee of the Whole)

Councilman Reynolds made a motion to suspend the rules to change the order of the last two items with a second by Councilman Hunter. The vote was unanimous (7-0).

The budget includes a million dollars in cuts, loss of merit and longevity for employees, 4% in franchise fees, and a millage increase. Chairman Reynolds made a motion to accept this budget. Councilwoman Gettys seconded the motion. Councilman Black said he would not vote for this budget because it has a millage increase and an increase in franchise fees. He doesn't want to put that much of a burden on the residents. Councilman Cook asked what should we do instead. We have to put up with the 1% somewhere. Councilman Cook asked Trey how much the franchise fee equates in millage. Trey answered that a 2% franchise increase on just Duke and Laurens was over \$500,000 and a mill is \$82,000. Trey said the millage increase of 5 mills is \$20 on a property assessed at \$100,000. In response to Mr. Cook's question, Trey answered that it was just over 3 mills.

Chairman Reynolds pointed out that almost every city surrounding us has a 5% franchise fee. He also said that during the budget, he looked at his tax bill and thought about the quality of service he receives for his roughly \$200 a year paid in property taxes. Chairman Reynolds also said one of the cuts made were not funding capital projects. We have to be concerned with this in other budgets.

The budget ordinance passed on first reading 6-1 with Councilman Black opposing.

9. Public Comment.
10. Council requests.

11. Adjournment. – Mayor Godbey adjourned the meeting.

Respectfully Submitted,

Cindy Miller
Municipal Clerk